GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TW Dept., – LTR – Revision Petition filed by Sri Perisetti Prasad S/o.Butchaiah R/o.L.N.D.Peta village, Polavaram (M) against the orders of the Agent to Government, West Godavari District in S.R.A.No.2/2007/F2 dt.27.03.2010 for the Petition scheduled land adm.Ac.14.95 cts in R.S.No.385/1 of L.N.D.Peta village of Polavaram Mandal, West Godavari District - Allowed – Orders – Issued.

SOCIAL WELFARE (TW.LTR) DEPARTMENT

G.O.MS.No. 41 **Dated: 15-02-2019**

Read the following:-

1. Revision Petition filed by Sri Perisetti Prasad S/o.Butchaiah R/o.L.N.D.Peta village, Polavaram (M), West Godavari District dt.23.06.2010.
2. Fax Govt.Memo No.15361/TW.LTR-1/1990, dt.05.03.2012.
3. From the Special Deputy Collector (TW), K.R.Puram, West Godavari District. Lr.Roc.No.E-902110/2018/F4, dt. 23.06.2018.
4. Govt.Lr.No.15024/17/TW.LTR-1/2018, dt.27.07.2018.

ORDER:

In the reference Ist read above, Sri Perisetti Prasad S/o. Butchaiah R/o.L.N.D.Peta village, Polavaram (M), West Godavari District has filed a Revision Petition before the Government against the orders of the Agent to Government, West Godavari District in S.R.A.No.2/2007/F2 dt.27.03.2010 for the Petition scheduled land adm.Ac.14.95 cts in R.S.No.385/1 of L.N.D.Peta (V), Polavaram (M), W.G. District.

2. In the reference 2nd read above, the Agent to Government/District Collector, West Godavari District was requested to send parawise remarks and connected case records in the matter, immediately, so as to dispose off the Revision Petition.

3. The Special Deputy Collector (TW), K.R.Puram, has furnished parawise remarks and connected records vide reference 3rd read above.

4. In the reference 4th read above, the petitioner was called for the hearing along with the written arguments and record. The case has been heard on 18.08.2018. During the course of hearing of the case that the revision petitioner submitted his arguments as per his grounds in revision petition and submitted that lower authorities failed to consider that possessor sale agreement entered on 15-2-1996 and the same is valid since on that day itself the possession was delivered and there is no tribal interest is involved as such the transactions are valid and there is no violations of regulations and earlier SDC(TW) disallowed the claim against his father on the said ground in the year 1997 and again filed the complaint for the same land in the year 2006 against him and prays to set aside the impugned orders of lower authorities.

5. On verification of the documents and the grounds of revision and Para wise remarks as well as the other documents and material available on the record, it is noticed that SDC (TW) observed that the purchase of land through the sale deed dated 10.05.1970 between two non-tribes was violation of land transfer regulations and hence null and void after 03.02.1970 and same was confirmed by the Agent to Government in the appeal.

6. Further, as seen from the record that it is observed that sale agreement of the year 1966 and on the same date possession was delivered to the father of the petitioner and subsequently, he also obtained patta from the settlement officer in the year 1985 and all the documentary evidence clearly reveals the continuation possession from the year 1966 the date of agreement and there is no tribal interest involved and the land was never be in possession of tribe and all the transaction took place between non-tribes and considering the same only earlier SDC(TW) disallowed the clime vide S.R.No.232 of 97 dated:23.12.1997 and there is an appeal against it which became final.

(P.T.O)

7. After considering the above material, that in the considered opinion the orders of the lower authorities cannot be sustained as there is no violation in view of the lawful possession of the land by the father of petitioner prior to commence of the regulation which is continuation possession and enjoyment even as seen from the revenue record.

8. In the result the Revision Petition is allowed by setting aside the orders of the primary authority and appellant authority and the matter is decided in favor of petitioner.

9. Therefore, the Collector & District Magistrate, West Godavari District is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records, which are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P.SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To
The Collector & District Magistrate, West Godavari District, Eluru (w.e)
The Special Deputy Collector, Tribal Welfare, Polavaram, West Godavari District
Sri P. Murali Krishna Prasad, Advocate, Flat No. 201, S.M.R. Complex, H.No. 12-11-1244&45, Boudha Nagar, Deena Bank Street, Warasiguda, Secunderabad – 500061.
Sri Perisetti Prasad S/o Butchaiah, L.N.D. Peta (V), Polavaram (M), West Godavari District
Copy to:
The P.S. to Hon'ble Minister (TWE)
The P.S. to Principal Secretary (TW)
Sf/Sc.